

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**[PROPOSED] ORDER GRANTING TRUSTEE'S FORTY-THIRD OMNIBUS MOTION
TO AFFIRM THE TRUSTEE'S CLAIMS DETERMINATIONS AND
OVERRULE OBJECTIONS THAT APPEAR TO RAISE FACTUAL ISSUES**

Upon consideration of the motion (the “Motion”) [Docket No. __], by Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the chapter 7 estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), in the above-captioned SIPA¹ liquidation proceeding seeking to have the Court affirm his claims determinations and overrule the related objections that appear to raise customer-specific factual issues (the “Objections”); and the Claims to be disallowed and Objections to be overruled are identified in Exhibit A to the Declaration of Vineet Sehgal in Support of the Motion [Docket No. __]; and due and proper notice of the Motion having been given and it appearing that no other or further notice need be provided; and the Court having

¹ All capitalized terms not defined herein shall have the meaning ascribed in the Motion.

found and determined that the relief sought in the Motion as set forth herein is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Motion is granted to the extent provided herein; and it is further

ORDERED that the Claims listed on Exhibit A hereto are disallowed; and it is further

ORDERED that the Trustee's Claims determinations regarding the Claims listed on Exhibit A hereto are affirmed; and it is further

ORDERED that the Objections listed on Exhibit A hereto are overruled; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

IN RE: BLMIS. CASE NO: 08-01789 (CGM)

EXHIBIT A – CLAIMS AND OBJECTIONS

Objecting Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Alan English and Rita English JT WROS	002132	681; 719	Phillips Nizer LLP	Alan English and Rita English J/T WROS	1ZA220
Cynthia Arenson & Theodore Arenson J/T WROS	000241	675	Phillips Nizer LLP	Cynthia Arenson & Theodore Arenson J/T WROS	1ZA020
Marvin Englehardt Retirement Plan	000318	699	Phillips Nizer LLP	Marvin Englehardt Ret Plan	1ZA041
P&M Joint Venture, and Ellen Bernfeld and Marilyn Bernfeld	001843	2692	Becker & Poliakoff, LLP	P & M Joint Venture	1EM239
R R Rosenthal Associates	000206	724	Phillips Nizer LLP	R R Rosenthal Associates	1ZA238
Robert Avergon and Jacqueline Avergon JT WROS	000225	677	Phillips Nizer LLP	Robert Avergon Jacqueline Avergon JT WROS	1ZB095
Sam Preffer and Shirley Preffer and Pamela Preffer TIC	000881	610	Phillips Nizer LLP	Sam Preffer and Shirley Preffer	1ZA087
Steven Kurland or Renee Kurland J/T WROS	002365	999	Pro Se Filing	Steven Kurland or Renee Kurland J/T WROS	1ZA575